

REMARKS/ARGUMENTS

Favorable consideration of this application, in view of the present Preliminary Amendment and in light of the following discussion, is respectfully requested.

Claims 1-11 are pending. The present Preliminary Amendment adds Claim 11. Support for new Claim 11 can be found in the originally filed specification for example, on page 13, lines 13-15 and page 18, lines 14-20, and in original Claims 1 and 6. Thus, it is respectfully submitted that no new matter is added.

It is noted that Claim 6 is listed in the attached claim listing as "Previously Presented" since Claim 6 was amended under Article 34 in the International Application.

In response to the Restriction Requirement dated June 16, 2007, Applicants provisionally elect Group I (Claims 1-5) and Claim 11. Applicants believe that Claim 11 is generic to both groups and thus Claim 11 is included in the elected group. Applicants make this provisional election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants further respectfully traverse this Restriction Requirement for the reasons that Groups I and II have not been treated relative to making a showing of a lack of "unity of invention," as required by M.P.E.P. § 1893.03(d) and 37 C.F.R. § 1.475 since this is a National Stage Application filed under 35 U.S.C. § 371.

In this regard, M.P.E.P. § 1893.03(d) establishes that the Examiner "must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group" (emphasis added). While the requirement does list the different groups of claims, it DOES NOT "(2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group" (emphasis added).

Additionally, Applicants respectfully submit that newly added Claim 11, an independent claim, is believed to be a generic claim encompassing all the embodiments of the present invention. Therefore, Applicants respectfully submit that if Claim 11 is allowable, all claims of Groups I and II should also be allowable.

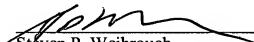
Consequently, Applicants respectfully submit that the Restriction Requirement should be withdrawn and that an action on the merits as to all the pending claims is in order.

Respectfully submitted,

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